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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,471	03/26/2001	Chunming Qiao	F.11169	9440
27957	7590	12/23/2003		
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS NEW YORK, NY 10038-2714			EXAMINER PHUNKULH, BOB A	
			ART UNIT	PAPER NUMBER
			2661	
			DATE MAILED: 12/23/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,471

Applicant(s)

QIAO, CHUNMING

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 10-17 is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Objections

Claim 7 is objected to because of the following informalities:

If the subject matters “a Wavelength-Division Multiplexed Optical Burst Switch” and “a control packet processing unit” is the same subject matters cited in claim 6, please correct the claimed subject matters to –the Wavelength-Division Multiplexed Optical Burst Switch—and –the control packet processing unit--, respectively. Appropriate correction is required.

Claim 8 is objected to because of the following informalities:

If the subject matters “a Wavelength-Division Multiplexed Optical Burst Switch” and “a control packet processing unit” is the same subject matters cited in claim 6, please correct the claimed subject matters to –the Wavelength-Division Multiplexed Optical Burst Switch—and –the control packet processing unit--, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 7-8, the claimed subject matter "such as" in line 4 of claim 7 and 8 is vague in indefinite since the metes and bound of the claimed subject matter can't be determined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6,160,651), hereinafter Chang.

Regarding claims 6 and 9, Chang discloses a Labeled Optical Burst Switching Node (the combination one of the WDM node 121 and IP router 111, figures 3 and 4) for network communications comprising:

-a Wavelength-Division Multiplexed Optical Burst Switch (the WDM switch 121, in figure 4) comprising an Optical Burst Switching Fabric (switching device 430) and its controller (the combination of label switch controller with look-up table 410 and circuit switching controller 420, in figure 4), an input interface and an output interface; and

-a control packet processing unit (the IP router 111, in figure 3) data monitor & switch control processor 284, in figure 2B) connected to the Wavelength-Division

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Multiplexed Optical Burst Switch, said processing unit utilizing as the control platform Multi-Protocol Label Switching in conjunction with LOBS specific extensions.

Regarding claim 7, Chang discloses a Labeled Optical Burst Switching Node for network communications according to claim 6, further comprising:

- an Access Point interface connecting the Labeled Optical Burst Switching Node to PDU devices such as electronic label switching routers (interface 310, in figures 3-4),
- a Burst assembly unit (an optical circulator, responsive to the incoming optical signal, for circulating the light burst to produce a time-extended light burst under control of the preamble, see claim 32),

Regarding claim 8, Chang discloses A Labeled Optical Burst Switching Node for network communications according to claim 6, further comprising:

- an Access Point interface connecting the Labeled Optical Burst Switching Node to PDU devices such as electronic label switching routers (interface 310, in figures 3-4),
- a Burst dis-assembly unit (demodulator, see claim 34).

Allowable Subject Matter

Claims 1-5, 10-17 are allowed.

Conclusion

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

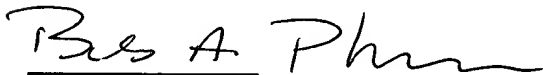
Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Bob A. Phunkulh



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December 9, 2003